

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

AMERICAN CIVIL LIBERTIES UNION, et al.,

Plaintiffs,

-against-

DEPARTMENT OF DEFENSE, et al.,

Defendants.

No. 04 Civ. 4151 (AKH)

**ORDER OF FINAL JUDGMENT**

WHEREAS, Plaintiffs' complaint in the above-captioned case sought the release of records pursuant to the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552, from, among others, the Department of Defense ("DoD");

WHEREAS, Plaintiffs and DoD filed Cross Motions for Summary Judgment relating to responsive photographs withheld as exempt from public disclosure under FOIA pursuant to a 2012 certification issued by the Secretary of Defense under the Protected National Security Documents Act (PNSDA), *see* docket entry # 493, 495;

WHEREAS, the Court granted Plaintiffs' motion for summary judgment in part and denied DoD's cross motion on August 27, 2014, *see* docket entry #513;

WHEREAS, the Court granted DoD leave to provide the Court with evidence supporting the Secretary's 2012 certification, *see* docket entry #513;

WHEREAS, DoD filed a Renewed Motion for Summary Judgment together with declarations describing its 2012 certification process, *see* docket entry # 528;

WHEREAS, the Court reviewed submissions from DoD and plaintiffs regarding the sufficiency of that process;

WHEREAS, the Court held that the Secretary of Defense's 2012 certification failed to

satisfy the requirements for withholding under the PNSDA, *see* docket entries # 543, 549;

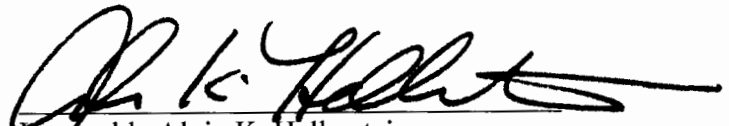
WHEREAS, the Court accordingly ordered DoD to release the requested photographs, *see* docket entry #549; and

WHEREAS, on March 20, 2015, the Court granted DoD a 60 day stay of its Order, *see* docket entry #549,

IT IS HEREBY ORDERED, consistent with the Court's rulings referenced above, that

1. The Court enters final judgment in favor of plaintiffs with regard to all responsive photographs.
2. The judgment is stayed for 60 days from March 20, 2015.
3. After those 60 days have passed, and absent a further stay, DoD shall release any and all responsive photographs to the plaintiffs, redacted to mask identities.
4. The Clerk shall enter judgment accordingly.

SO ORDERED this 20<sup>th</sup> day of March, 2015, as follows:

  
Honorable Alvin K. Hellerstein  
United States District Judge